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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,900	01/22/2004	James Edward Christensen	YOR920040019US1	1899
7590 07/18/2006			EXAMINER	
FREDERICK W. GIBB, III MCGINN & GIBB, PLLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			MAIS, MARK A	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,900	CHRISTENSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark A. Mais	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-13,15-18,20,21 and 23-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13,15-18,20,21 and 23-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2, 4-13, 15-18, 20, 21, and 23-35 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al. (USP 5,872,841).

3. With regard to claim 1, King et al. discloses a method for routing a communication connection request [**calling party attempts to make a call, col. 2, lines 27-31**] comprising the steps of:

in response to a communication connection request, obtaining context information *for a* communication connection requestor [**e.g., VIP calling party can be identified by password or speech recognition, col. 2, lines 44-48; col. 10, lines 57-60**];

using *at least one of* said context information *for said communication connection requestor and context information for a called party* to determine a communication connection action, *wherein said context information for said called party comprises a called party calendar*

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**[the called party's calendar is checked to determine an available timeslot to talk to the calling party, col. 2, lines 31-34]; and**

connecting said communication connection requestor based on said connection action **[the calling party is connected to the agent and a reasonable return call time is confirmed via telephone keypad and the telephone call is scheduled, col. 3, lines 3-20].**

4. With regard to claim 12, King et al. discloses a method for providing a communication connection for a user **[calling party attempts to make a call, col. 2, lines 27-31]** comprising the steps of:

obtaining context information for said user **[e.g., VIP calling party can be identified by password or speech recognition, col. 2, lines 44-48; col. 10, lines 57-60];**

using *at least one of* said context information *for said user and context information for a called party* to determine a communication connection action, *wherein said context information for said called party comprises a called party calendar* **[the called party's calendar is checked to determine an available timeslot to talk to the calling party, col. 2, lines 31-34]; and**

connecting said user based upon said connection action **[the calling party is connected to the agent and a reasonable return call time is confirmed via telephone keypad and the telephone call is scheduled, col. 3, lines 3-20].**

5. With regard to claims 17, King et al. discloses a method of routing a caller's call **[calling party attempts to make a call, col. 2, lines 27-31]** comprising the steps of:

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obtaining context information for said caller [e.g., **VIP calling party can be identified by password or speech recognition, col. 2, lines 44-48; col. 10, lines 57-60**];

using *at least one* said context information *for said caller and context information for said called party* comprises a called party calendar to determine a communication connection action, *wherein said context information for said called party comprises a called party calendar* [the called party's calendar is checked to determine an available timeslot to talk to the calling party, col. 2, lines 31-34]; and

connecting said caller based upon said connection action [the calling party is connected to the agent and a reasonable return call time is confirmed via telephone keypad and the telephone call is scheduled, col. 3, lines 3-20].

6. With regard to claim 27, King et al. discloses a method of determining a communication connection for a caller [calling party attempts to make a call, col. 2, lines 27-31] comprising the steps of:

obtaining context information for said caller [e.g., **VIP calling party can be identified by password or speech recognition, col. 2, lines 44-48; col. 10, lines 57-60**];

using *at least one of* said context information *for said caller and context information for a called party* to determine a communication connection action, *wherein said context information for said called party comprises a called party calendar* [the called party's calendar is checked to determine an available timeslot to talk to the calling party, col. 2, lines 31-34]; and

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connecting said caller based upon said connection action **[the calling party is connected to the agent and a reasonable return call time is confirmed via telephone keypad and the telephone call is scheduled, col. 3, lines 3-20].**

7. With regard to claim 28, King et al. discloses a service for determining a communication connection for a caller **[calling party attempts to make a call, col. 2, lines 27-31]** comprising the method steps of:

obtaining context information for said caller **[e.g., VIP calling party can be identified by password or speech recognition, col. 2, lines 44-48; col. 10, lines 57-60];**

*using at least one of said context information for said caller and context information for said called party to determine a communication connection action, wherein said context information for said called party comprises a called party calendar [the called party's calendar is checked to determine an available timeslot to talk to the calling party, col. 2, lines 31-34];*  
and

connecting said caller based upon said connection action **[the calling party is connected to the agent and a reasonable return call time is confirmed via telephone keypad and the telephone call is scheduled, col. 3, lines 3-20].**

8. With regard to claim 29, King et al. discloses an apparatus for use in a computer services environment **[calling party attempts to make a call, col. 2, lines 27-31; the called party has a telephone within a telephone/computing system, col. 8, lines 43-46]** said apparatus comprising:

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at least one processor operative to route a caller's call based upon *at least one of* context information for said caller [e.g., **VIP calling party can be identified by password or speech recognition, col. 2, lines 44-48; col. 10, lines 57-60]** and *context information for a called party, wherein said context information for said called party comprises a called party calendar [the called party's calendar is checked to determine an available timeslot to talk to the calling party, col. 2, lines 31-34], and*

*using at least one of* said context information *for said caller and said context information for a called party* to determine a communication connection action for connecting said caller **[the calling party is connected to the agent and a reasonable return call time is confirmed via telephone keypad and the telephone call is scheduled, col. 3, lines 3-20].**

9. With regard to claims 2, 4, 13, 15, 18 and 20, King discloses that determining a confidence factor for *said connection action; and performing said connection in response to exceeding a confidence factor threshold* [**VIP calling parties, after entering a password (interpreted by the examiner as validating the connection action), for example, are guaranteed the highest priority slots and the agent schedules them accordingly, col. 10, lines 57-60]**].

10. With regard to claims 5, 16, 21, and 30, King et al. discloses that determining a connection action is done with rules engine [**The rules engine is interpreted as the agent that uses the called party calendar, and has the ability to use the calling party calendar, as well, col. 2, lines 49-67; col. 4, lines 19-21]**].



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11. With regard to claims 6, 7, 8, and 9, King et al. discloses that providing an indication of an associated action [**pressing a telephone keypad, col. 3, lines 3-4**], data transmission [**speech transmission, col. 3, line 4-6**], notification [**notification of how many minutes the call will last, col. 4, lines 13-14**], and workflow initiation [**the agent downloads both calendars and performs scheduling, col. 19-21**].

12. With regard to claim 10, King et al. discloses that providing an indication of an associated action further includes the step of having a logging action [**entering a password to log inn an a VIP, col. 10, lines 57-60**].

13. With regard to claim 11, King et al. discloses that providing an indication of an associated action further includes the step of directing said associated action to at least one additional connection [**another connection must be made (after calling the called party) to the agent, col. 2, lines 49-67**].

14. With regard to claims 23 and 31, King et al. discloses using a caller's calendar to assist in determining the communication connection action [**the agent downloads both calendars and performs scheduling, col. 19-21**].

15. With regard to claim 24, King et al. discloses authenticating the caller before determining said communication connection action [**e.g., VIP calling party can be identified by password**



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**or speech recognition, col. 2, lines 44-48; col. 10, lines 57-60; entering a password to log in as a VIP, col. 10, lines 57-60].**

16. With regard to claim 25, King et al. discloses requiring a single action by a caller for determining the communication connection action **[notification by keypad of how many minutes the call will last aligns the calendars, col. 4, lines 13-14].**

17. With regard to claim 26, King et al. discloses the step of using biometrics to authenticate the caller e.g., **VIP calling party can be identified by speech recognition, col. 2, lines 44-48].**

18. With regard to claims 32, 33, 34 and 35 King et al. discloses using said context information for said called party to assist in determining said communication connection action comprises:

using said context information for said called party comprising

at least one of

a called party location;

called party policy **[policy as to who will call and when, col. 5, lines 45-61];**

called party availability **[the called party's calendar is checked to determine an available timeslot to talk to the calling party, col. 2, lines 31-34];**

called party connectivity;

called party connection status; and

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at least one of corporate and personal data of said called party from at least one of sensors that detect motion, sound, light, and pressure deployed in spaces frequented by said called party,

radio frequency identification readers that detect the presence of companion devices that have been provisioned with identification numbers associated with said called party, and

at least one of

a location,

activity [**because of the notification, by keypad, of how many minutes the call will last (which aligns the calendars, col. 4, lines 13-14), the called party calendar is able to ensure that the calling party call request duration will not conflict with the called party activity's duration**], and

network address of at least one of a personal device of said called party, comprising at least one of:

a cellular telephone,

an office telephone,

a home telephone,

a laptop computer;

a desktop computer [**the agent downloads both calendars and performs scheduling, col. 19-21**] , and

an automobile.

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*Response to Arguments*

19. Applicant's arguments with respect to claims 1,2, 4-13, 15-18, 20, 21, and 23-35 have been considered but are moot in view of the new grounds of rejection.

*Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Kung et al. (USP 6,373,817), Chase me system.

21. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is 572-272-3138. The examiner can normally be reached on M-Th 5am-4pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*MAM*  
June 28, 2006

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